

Docket No. 000309-00259



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Jay MIAZGA et al.

SERIAL NO: 10/735,809

GAU: 3762

FILED: December 16, 2003

EXAMINER: Not Yet Assigned

FOR: METHOD AND APPARATUS FOR CONTROLLING THE DEPTH OF PERCUTANEOUS APPLICATIONS

**FILING OF DECLARATION UNDER 37 CFR 1.53(f)**

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA. 22313-1450

ATTN: APPLICATION BRANCH

SIR:

Responsive to the notification dated March 24, 2004, and in accordance with the provisions of 37 CFR 1.53(f), Applicants submit herewith a Declaration in accordance with 37 CFR 1.63.

- ☐ The required fee was paid at the time of filing the application.
- ☒ A check in the amount of \$130.00 is attached to cover the required fee for the late filing of the executed declaration.
- ☒ A copy of the notification is also submitted herewith.

The Declaration enclosed herewith adequately identifies the above-identified application in accordance with 37 CFR 1.63, as set forth in MPEP Section 601.01.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

Please charge any underpayment of fees or credit any overpayment of fees to Deposit Account No. 23-2185. A duplicate copy of this paper is attached.

Respectfully Submitted,

BLANK ROME LLP

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\_\_\_\_\_  
Michael C. Greenbaum  
Registration No. 28,419

Date: April 13, 2004

**DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD AND APPARATUS FOR CONTROLLING THE DEPTH OF PERCUTANEOUS APPLICATIONS**

the specification of which

☐ is attached hereto

☒ was filed on **December 16, 2003** as United States Application Number or PCT International

Application Number **10/735,809** and (if applicable) was amended on

I hereby authorize our attorneys to insert the serial number assigned to this application.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

**PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 USC §119**

APPLICATION NO.	COUNTRY	DAY/MONTH/YEAR FILED	PRIORITY CLAIMED

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

**PROVISIONAL APPLICATION(S) UNDER 35 U.S.C. §119(e)**

APPLICATION NUMBER	FILING DATE
60/433,823	December 16, 2002

I hereby claim the benefit under 35 U.S.C. §120 of any United States application, or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

**PRIOR U.S./PCT INTERNATIONAL APPLICATION(S) DESIGNATED FOR BENEFIT UNDER 35 U.S.C. §120**

APPLICATION NO.	FILING DATE	STATUS — PATENTED, PENDING, ABANDONED

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith: Victor M. Wigman, Reg. No. 25,201; Donald R. Greene, Reg. No. 22,470; Michael C. Greenbaum, Reg. No. 28,419; Charles R. Wolfe, Jr., Reg. No. 28,680; Michael D. White, Reg. No. 32,795; Brian C. Jones, Reg. No. 37,857; David J. Edmondson, Reg. No. 35,126; Denise C. Lane, Reg. No. 42,780; Peter Weissman, Reg. No. 40,220; Brian WM. Higgins, Reg. No. 48,443; John J. Yun, Reg. No. 53,823; and Thomas L. Willis, Jr., Reg. No. 53,778.

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PATENT TRADEMARK OFFICE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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<input type="checkbox"/> Additional joint inventors are named on separately numbered sheets attached hereto.	